



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.31505 of 2019 and
W.MP.Nos.31696 & 31694 of 2019

R.Vasu

..Petitioner

Vs

The District Manager/Sub Collector
TASMAC LTD.,
Tiruvallur East,
Tiruvallur District

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorari calling for the records of the impugned order in Na.Ka.No.A1/1189/2019 dated 7.8.2019 passed by the respondent, quash the same in so far as the petitioner is concerned.

For Petitioner : Mr.S.Udhayakumar

For Respondent : Mr. K.Sathishkumar

O R D E R

The petitioner has filed this writ petition seeking issuance of a Writ of Certiorari, to call for the records of the impugned order in Na.Ka.No.A1/1189/2019 dated 7.8.2019 passed by the respondent, quash the same insofar as the petitioner is concerned.

2.Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

3. The case of the petitioner is that the petitioner joined as Salesman in TASMAC shop No.8903, Tiruvallur East District. On 27.07.2019, a surprise inspection was made by the District Manager, Chennai South, respondent herein and the petitioner was allegedly found selling liquor at higher rate more than the actual price and accordingly, by impugned proceedings dated 07.08.2019, the 1st respondent issued a show cause notice to the petitioner calling upon the explanation within a period of 7



days, from the petitioner as to why disciplinary action should not be initiated against him. Challenging the same, the petitioner is before this Court.

4. The learned counsel appearing for the petitioner would submit that in response to the impugned show cause notice dated 07.08.2019, the petitioner has given explanation on 20.08.2019 stating that he has not committed any irregularities much less, he has not sold MENS CLUB BRANDY, 750 ml at higher rate since such brand like MENS CLUB BRANDY is not available in the TASMAC shop. Therefore, the learned counsel would submit that the impugned proceedings dated 07.08.2019 cannot be sustained and the same is liable to be quashed. Hence he would implore this Court to quash the impugned proceedings.

5. During surprise check, the petitioner has been found by the respondent in selling liquor at higher rate and therefore he was called upon to give explanation as to why disciplinary proceedings should not be initiated against him by the impugned show cause notice on 07.08.2019. It is pertinent to note that it is only a show cause notice and the petitioner can very well put forth his defence by way of explanation and prove that he has not committed any illegality and in fact he had already submitted his explanation on 20.08.2019. Therefore, it is for the respondent to proceed based upon the explanation submitted by the petitioner and at this stage, this Court is not inclined to interfere with the show cause notice issued against the delinquent since it is only to show cause notice and no final orders much less adverse orders against the delinquent is passed. Further, this Court does not find any malafide intention on the part of the respondent in issuing impugned show cause notice calling upon the petitioner to offer his explanation. Therefore, this Court does not find any merit to entertain the writ petition.

6. Accordingly, the Writ Petition fails and the same is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

s/d-
Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

jrs



To

The District Manager/Sub Collector
TASMAC LTD.,
Tiruvallur East,
Tiruvallur District

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+1 CC to Mr.K. Sathish Kumar, Advocate sr 93889

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LN(CO)
SP(19/12/2019)